

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-1611-INV

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Investigation pursuant to 30 V.S.A. §§ 30 and 209 into whether the petitioner initiated site preparation at Apple Hill in Bennington, Vermont, for electric generation in violation of 30 V.S.A. § 248(a)(2)	
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Order entered: 06/25/2020

**PROCEDURAL ORDER RE: GUIDANCE FOR EVIDENTIARY HEARING**

**I. INTRODUCTION**

In today's Order the parties are advised of the procedures that will be used to conduct the evidentiary hearing scheduled for Friday, June 26, 2020, at 8:30 A.M. The parties are also advised that the hearing will be before all three members of the Vermont Public Utility Commission (the "Commission") along with Kyle Landis-Marinello, Esq., general counsel, and Michael E. Tousley, Esq., staff attorney.

**II. HEARING PROCEDURE AND GUIDANCE**

The Commission has prepared a guidance document for participation in remote hearings. The guidance document is attached to this order. A pre-meeting to discuss hearing procedures will be held before the start of the June 26, 2020, evidentiary hearing at 8:15 A.M. All parties participating in the evidentiary hearing are required to attend the pre-meeting.

As stated in the Order providing notice of the hearing, the parties should be prepared to address with affidavits (filed before the hearing begins), or live testimony, whether site clearing being conducted on Apple Hill in Bennington, Vermont, violates Section 248(a)(2) of Title 30. The parties should also be prepared to notify the Commission (in writing before the hearing or at the hearing) whether they are requesting, or opposed to, a temporary restraining order under Commission Rule 2.406, and whether such an order is necessary to avoid irreparable harm.

The hearing will begin by the parties each making a brief, 5-minute, opening statement and presenting evidence including any affidavits or live testimony. This will be followed by

cross-examination of any witnesses by the parties and the Commission, redirect examination, and closing arguments, of no more than 10 minutes, by each of the parties.

**SO ORDERED.**



## **Vermont Public Utility Commission**

### **Guidance for Participating in Remote Evidentiary Hearings**

The Vermont Public Utility Commission (“Commission”) is using GoToMeeting to conduct remote evidentiary hearings during the COVID-19 pandemic. Here are some tips to help you prepare for and participate in such a hearing.

#### Before the Hearing

- Prepare your space, keeping in mind that both your space and you will be on camera.
  - Official representatives for parties and *pro se* individuals who are representing themselves will be asked to be on camera the whole time.
  - Witnesses will be asked to be on camera while testifying and otherwise keep cameras off.
- If you have any corrections to make to prefiled testimony, please file them in ePUC in advance of the hearing.
- If you plan to use any cross-exhibits during the hearing:
  - Please file them in ePUC in advance of the hearing by selecting “Add Cross Exhibit” from the “Select Action” menu in the case. Contact the clerk if you need assistance making this filing.
  - Because you will be asked to share these exhibits on your screen using screen sharing, you should (1) close out of unnecessary applications so we don’t all see your various notifications and (2) open up all the cross-exhibits you plan to use before the hearing so that they are ready.
- If you have not used GoToMeeting before:
  - Download the app before the meeting, using the link in the hearing notice.
  - Take a look at GoToMeeting’s Attendee Guide:  
<https://support.goto.com/meeting/new-attendee-guide>

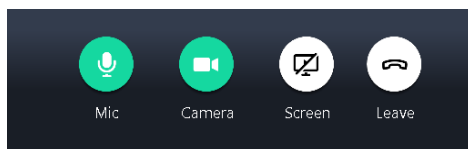
#### During the Hearing

- Please mute your microphone unless you are speaking. This will minimize background noises, which can be very disruptive.
- Each time you begin talking, please identify yourself by name for the court reporter.
- It is important for people to avoid talking over one another. However, if you have an objection, you must raise it at the moment the objection arises.

- When you are questioning witnesses, you will be made the presenter in GoToMeeting. You should share cross-exhibits on your screen by clicking the “share screen” icon. Verbally, please clearly identify the cross-exhibit you are showing for the court reporter. For example, “I’m showing Department-Cross-1.” When you are done with the exhibit, please click “stop sharing screen.”
- You are welcome to use GoToMeeting’s “chat” function to discuss any technical problems you may be having (such as with your audio or video). Do not type anything substantive about the case. While GoToMeeting allows you to send private chat messages, the default is that chat messages are sent to all meeting attendees. Because of the potential to inadvertently send your chat to all meeting attendees, the Commission recommends that the chat function not be used to send private, substantive messages about the case to other parties. You may not send substantive private chats to any Commissioners or Commission staff.
- If you experience technical difficulties, try to rejoin the GoToMeeting or call in to the hearing using the GoToMeeting telephone number that was provided in the hearing notice.
  - If you are able to rejoin, let the hearing officer or Commissioner presiding over the hearing know so that he or she can summarize what happened and can revisit any questions on which an objection may have been allowed, including any admission of an exhibit.
  - If you are unable to call in or rejoin the GoToMeeting, notify the GoToMeeting platform manager immediately via email, or notify the clerk immediately via email or phone. The hearing will be paused until the issue is resolved.
- In general, if technical difficulties cannot be resolved within 30 minutes, the hearing will be rescheduled. Either the platform manager or the clerk will send an email to all parties notifying them that the hearing will be rescheduled. A notice will also be posted in the case in ePUC.

#### Key GoToMeeting Controls

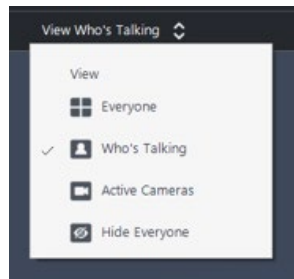
In the **bottom center of your screen** are the controls for muting/unmuting your microphone, turning your camera on and off, sharing your screen with other hearing attendees, and leaving the meeting.



In the **top right of your screen** are the controls for seeing the list of participants on the call, sending (or reading) a chat, and changing your camera and audio settings.



In the **top center of your screen** is the control for changing whom you view on your screen.



PUC Case No. 20-1611-INV - SERVICE LIST

Sarah L. J. Aceves  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620  
sarah.aceves@vermont.gov

(for Vermont  
Department of Public  
Service)

Merrill E Bent  
Woolmington, Campbell, Bernal & Bent, P.C.  
PO Box 2748  
Manchester Center, VT 05255  
merrill@greenmtlaw.com

(for Town of  
Bennington)

Lora Block  
AppleHill Homeowners Association  
34 McIntosh La  
Bennington, VT 05201  
lblock@sover.net

(for Apple Hill  
Homeowners Assoc)

L. Brooke Dingledine, Esq.  
Valsangiaco, Detora & McQuesten, P.C.  
P.O. Box 625  
Barre, VT 05641  
lbrooke@vdmlaw.com

(for Apple Hill  
Homeowners Assoc)  
(for Libby Harris)(for  
Mt. Anthony Country  
Club)

Donald J. Einhorn, Esq.  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
donald.einhorn@vermont.gov

(for Vermont Agency  
of Natural Resources)

Kimberly K. Hayden, Esq.  
Paul Frank + Collins PC  
One Church Street 05402  
P.O. Box 1307  
Burlington, VT 05401  
khayden@pfclaw.com

(for Chelsea Solar LLC)  
(for Apple Hill Solar  
LLC)

Maru Leon  
Mt. Anthony Country Club  
180 Country Club Rd  
Bennington, VT 05201  
maru@mtanthonycc.com

(for Mt. Anthony  
Country Club)

Michael Melone, Esq.  
Allco Renewable Energy Limited  
1740 Broadway  
15th Floor  
New York, NY 10019  
mjmelone@allcous.com

(for Chelsea Solar LLC)  
(for Apple Hill Solar  
LLC)

Thomas Melone, Esq.  
Allco Renewable Energy Limited  
1740 Broadway  
15th Floor  
New York, NY 10019  
thomas.melone@gmail.com

(for Chelsea Solar LLC)  
(for Apple Hill Solar  
LLC)

James Porter, Esq.  
Vermont Department of Public Service  
Vermont Public Service Department  
112 State St  
Montpelier, VT 05620  
james.porter@vermont.gov

(for Vermont  
Department of Public  
Service)

Alison Milbury Stone, Esq.  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
alison.stone@vermont.gov

(for Vermont Agency of  
Agriculture, Food and  
Markets)

Robert E. Woolmington, Esq.  
Woolmington, Campbell, Bernal & Bent, P.C.  
P.O. Box 2748  
4900 Main Street  
Manchester Center, VT 05255  
rob@greenmtlaw.com

(for Town of  
Bennington)